REMARKS

Claims 3 and 4 have been canceled, without prejudice. Accordingly, claims 1, 2 and 5 are pending and being considered. It is respectfully submitted that all of the presently pending claims are allowable, and reconsideration of the present application is respectfully requested.

Applicants note with appreciation the acknowledgment of the claim for foreign priority and the indication that all certified copies of the priority documents have been received.

In regards to the Information Disclosure Statement filed March 9, 2004, which lists the reference by Winner, Witte, Uhler and Lichtenberg entitled "Adaptive Cruise Control System Aspects and Development Trends", SAE International Congress & Exposition, Detroit, February 26-29, 1996, it is respectfully requested that this reference be expressly considered during the prosecution of the present application, and that this reference be made of record therein and appear on the "References Cited" on any patent to issue therefrom.

Claims 1, and 3 to 5 were rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 6,081,763 ("the Smith reference").

Claim 1 as presented relates to a device for controlling a speed of a motor vehicle in terms of one of (a) a constant distance control in the case that at least one preceding vehicle is detected by a radar sensor and (b) a constant speed control in the case that no preceding vehicle is detected by a radar sensor, the device including an arrangement for allowing a distance to a preceding vehicle to be set by a driver of the vehicle in the form of a time gap, and an arrangement for changing longitudinal dynamics of the speed control when the time gap changes. As presently claimed, the device further includes an arrangement for increasing, given a decrease in the time gap, at least one of a maximum possible vehicle acceleration and a maximum possible vehicle deceleration implementable by a speed control system so that the vehicle is capable of at least one of accelerating and decelerating more quickly given the decrease in the time gap, and an arrangement for first activating, given the decrease in the time gap, deceleration devices of the vehicle at a shorter distance from the preceding vehicle.

Hence, the presently claimed subject matter relates to an adaptive distance control and speed control, in which the driver can specify a set speed to which the speed control controls automatically. In this regard, the throttle valve and the deceleration devices are controlled, in order to regulate the vehicle to the specified setpoint speed within the

meaning of a speed regulation. Additionally, the longitudinal dynamics of the speed control are changed when the time gap changes such that the vehicle is capable of accelerating or decelerating more quickly should the driver decrease the time gap, for example, and the deceleration device are also first activated at a shorter distance from the preceding vehicle.

The Office Action asserts on page 2 that the Smith reference discloses a changing of the longitudinal characteristics of a vehicle automatically by the selection of a time gap, since the system referred to by the Smith reference purportedly activates either the brakes or the accelerator, and so the longitudinal dynamics are thereby necessarily changed.

Applicants respectfully disagree with this assertion, since according to the presently claimed subject matter, the longitudinal dynamics relates to the maximum possible acceleration or deceleration that is implementable by the system, and consequently, when there is an increase in the longitudinal dynamics of the vehicle, both higher acceleration values and higher deceleration values are implemented in driving operation than in response to lower longitudinal dynamics of the vehicle. Indeed, claim 1 as presented expressly recites that, in response to a change in the time gap, the *longitudinal dynamics of the speed control* are changed, and not, the *longitudinal dynamics of the vehicle*, as purportedly disclosed by the Smith reference. Moreover, claim 1 as presented provides that, in response to a reduction in the time gap, the maximum possible vehicle acceleration and/or vehicle deceleration implementable by the speed control system is increased. Thus, merely switching over between the driving case and the braking case, as referred to in the Smith reference, does not change the longitudinal dynamics of the speed control, as provided for in the context of claim 1, as presented.

Accordingly, for at least these reasons, it is respectfully submitted that the Smith reference does not anticipate claim 1, and therefore claim 1 is allowable.

Claim 5, as presented, recites features essentially analogous to claim 1, as presented, and therefore is allowable for at least the same reasons

Claims 3 and 4 are canceled, and therefore the rejections of these claims is moot. Withdrawal of the anticipation rejections is therefore respectfully requested.

Claim 2 was rejected under 35 U.S.C. 103(a) as unpatentable over the Smith reference in view of U.S. Patent No. 6,941,215 ("Hellman").

Claim 2 depends from claim 1, and is therefore allowable for essentially the same reasons, as explained above, with respect to the rejection of claim 1, since the

secondary Hellman reference does not cure the critical deficiencies of the primary Smith reference.

In sum, for at least the reasons stated above, claims 1, 2 and 5 are allowable.

Conclusion

In view of the foregoing, it is believed that the objection and rejections have been obviated, and that pending and considered claims are therefore allowable. It is therefore respectfully requested that the rejections be withdrawn, and that the present application issue as early as possible.

Respectfully submitted,

KENYON & KENYON LLP

Dated: 24 Jan 2007

By: _____
Gerard A. Messina
(Reg. No. 35,952)

One Broadway
New York, New York 10004
(212) 425-7200

CUSTOMER NO. 26646